

Claimant and Job Seeker Handbook



Virginia Employment Commission

July 2009

UNEMPLOYMENT INSURANCE SERVICES

The Virginia Employment Commission (VEC) administers an unemployment insurance program that provides protection against loss of wages to individuals who become unemployed through no fault of their own. Benefits are paid through taxes on employers covered under the Virginia Unemployment Compensation Act. No part of the employer tax is deducted from your earnings. In order to receive unemployment benefits you must meet certain requirements. You also must file your initial application for benefits on the Internet, at www.VaEmploy.Com, or by telephone through the VEC's call center at 1-866-832-2363, or by visiting one of the VEC offices located statewide. Your name and SSN will be cross-matched with the Social Security Administration to verify your identity.

This handbook explains the requirements for obtaining unemployment benefits under the Virginia Unemployment Compensation Act. Please read the entire handbook carefully. Pay special attention to your rights and responsibilities.

The handbook also explains the basis for the dollar amount of the unemployment benefits that you may be entitled to receive and the requirements you must meet each week to file your request for payment and receive those benefits. Information is provided on filing an application for benefits, filing weekly requests for payment of benefits, personal identification numbers, and record keeping. Although it does not have the effect of law or regulation, the information provided in the handbook will assist you in filing for and receiving benefits.

If you have any questions, please contact the VEC call center.

- Note: If you believe your unemployment was caused either directly or indirectly by increased foreign imports, please inform the VEC representative when filing your application for benefits.

NONDISCRIMINATION/EQUAL OPPORTUNITY POLICY

It is against the law for the VEC to discriminate:

- Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and
- Against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIA Title I-financially assisted program or activity.

The VEC must not discriminate in any of the following areas:

- Deciding who will be admitted, or have access, to any WIA Title I-financially assisted program or activity;
- Providing opportunities in, or treating any person with regard to, such a program or activity; or
- Making employment decisions in the administration of, or in connection with, such a program or activity.

If you believe that you have been subjected to discrimination under a WIA Title I- financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either the:

VEC Equal Opportunity Officer,
P.O. Box 1358, Room 101,
Richmond, VA 23218-1358

or the:

Director, Civil Rights Center (CRC),
U.S. Department of Labor,
200 Constitution Avenue, NW, Room N-4123,
Washington, DC 20210.

If you file your complaint with the VEC, you must wait until either the VEC issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above). If the VEC does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the VEC to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the VEC).

If the VEC does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

AUXILIARY AIDS AND SERVICES

Auxiliary aids and services are available upon request to individuals with disabilities.

Any reasonable accommodation for persons with disabilities may be requested by contacting the manager of the VEC's call center or the VEC Workforce Center where you are seeking services.

VIRGINIA RELAY CENTER

The Virginia Relay Center (VRC) provides telecommunications relay services to the Commonwealth of Virginia. Text Telephone (TTY) or Telecommunications Device for the Deaf (TDD) users can access the VRC by calling 1-800-828-1120 or 711.

TTY users please note: To file weekly requests for payment of benefits by phone, TTY users should call the Virginia Relay 711 and instruct the operator to dial 1-866-835-6058. Out-of-state TTY users may use the same procedure.

BENEFIT RIGHTS AND RESPONSIBILITIES CONCERNING YOUR UNEMPLOYMENT BENEFITS CLAIM

Review your monetary determination carefully. If you feel the wages shown for your base period are incorrect, you should call the call center and provide information to correct the wages. You will be asked to FAX or mail proof of correct wages (such as W-2s or pay stubs) to the number or address provided by the call center. **Be sure to keep your monetary determination because it shows your base period wage information.**

A few days after you file your application for benefits, **you will be mailed a notice that will provide you with a six-digit personal identification number (PIN).** This number is important; it along with your Social Security number will be required each time you call the VEC to inquire about your claim and when you use the Internet or Voice Response System to file your weekly request for payment of benefits. Please safeguard your PIN and do not give it to anyone. If you lose or forget your PIN, or believe someone else is using it, contact the call center immediately.

Unemployment benefits are claimed on a calendar week basis beginning on Sunday and ending at midnight on the following Saturday. In order to receive benefits, you must meet the following requirements during each week claimed (your meeting these requirements is subject to verification):

1. **Be unemployed.** You are unemployed if you are not working and are not earning any money. You are partially unemployed if you are working less than full time for your regular employer because of a lack of work and earning less than your weekly benefit amount.
2. **File your application for benefits.** This may be done through the VEC call center or over the Internet at www.VaEmploy.com.
3. **Report all work (including temporary, part time and self-employment) and money as it is earned** (not when it is paid to you) from any source for any week you file a request for payment. Earnings include vacation, severance, and holiday pay before taxes and other employer deductions are made. Report your reason for separation from any employer, even if it is temporary employment. If your work is continuing, report this as well.
4. **Be able to work and available for work** with no undue restrictions on your availability for work.
5. **Register for work through the VEC Workforce Connection website at** www.VAWC.Virginia.gov. Unless advised otherwise, you must register within 5 days of filing your application for benefits. If you do not register, you could be ineligible to receive unemployment benefits.

6. Make an active search for work each week. Unless you customarily obtain work through a labor union of which you are a member in good standing, you must contact several employers each week in an effort to find work. Résumés may be used only if it is the usual and customary manner of finding work in your occupation.

7. Report all refusals of job offers from any source.

8. File your Weekly Request for Payment of Benefits in a timely manner. See Filing Your Weekly Request for Payment of Benefits, and Voice Response System instructions in this handbook.

APPLYING FOR BENEFITS

If you are totally or partially unemployed and wish to apply for benefits, call the VEC call center or complete an on-line application on the Internet. The call center telephone number is 1-866-832-2363. The Internet address is www.VaEmploy.com. The addresses and telephone numbers for VEC Workforce Centers can be found in the phone book, or at the VEC's website.

You will be asked to supply the name, address and telephone number of your last employer (and, in some cases, previous employers), your dates of employment, and the reason you are unemployed.

You will be asked to select your electronic payment method for receipt of your benefits. You can select either direct deposit or a debit card. After you file your application for benefits, the VEC will decide whether you meet three separate requirements: Monetary eligibility, Separation qualification, and Weekly eligibility.

Monetary Eligibility

In order to qualify for benefits, you must have earned enough wages in covered employment during the base period. The amount of wages you earned will determine your weekly benefit amount and the maximum number of weeks (12 to 26 weeks) to which you will be entitled. Benefit computation tables are available at the VEC website. You will receive a Monetary Determination that contains your base period earnings, weekly benefit amount and the maximum number of weeks you may receive benefits. Monetary entitlement lasts one year.

Review your monetary determination carefully. If you feel the wages shown for your base period are incorrect, you may call the VEC call center at 1-866-832-2363 and provide information to correct the wages. You will be asked to fax or mail proof of correct wages (W-2s, pay stubs) to the number or address provided by the call center. Be sure to keep your monetary determination because it shows your base period information.

Q: What is the base period?

A: The base period is the first four of the last five completed calendar quarters prior to the effective date of your claim. The effective date of your claim is the Sunday of the week in which you file your application for benefits. The chart that follows illustrates the base period in relation to the effective date of the claim.

Base Period Table

Effective Date of Claim	Base Period						
Current Year	Previous Year	Last Year				This Year	
Jan Feb March							
	Oct Nov Dec	Jan Feb Mar	Apr May Jun	Jul Aug Sep			
Apr May Jun							
		Jan Feb Mar	Apr May Jun	Jul Aug Sep	Oct Nov Dec		
Jul Aug Sep							
			Apr May Jun	Jul Aug Sep	Oct Nov Dec	Jan Feb Mar	
Oct Nov Dec							
				Jul Aug Sep	Oct Nov Dec	Jan Feb Mar	Apr May Jun

Claimants not qualifying for benefits under the standard base period may do so under an alternate base period.

Q: What is an alternate base period?

A: Claimants who did not earn sufficient wages during the first four of the last five completed calendar quarters may have earned the necessary amount in the alternate base period, the last four completed calendar quarters. The minimum qualifying amount is the same for both periods. Claimants cannot choose which base period they wish to use. The alternate base period can only be used if the claimant cannot qualify with the standard base period.

Q: How do I know if I have enough wages to qualify?

A: When you file your application for benefits through the call center, your wages will be discussed with you. Regardless of how you file your application for benefits, you will be mailed a monetary determination that contains the wages you earned in covered employment during the base period.

You must have earned and been paid a minimum specified amount in two combined quarters of your base period.

Q: What amount of benefits will I receive and for how long?

A: Your monetary determination will show the amount of your weekly benefits and the number of weeks you may be eligible to receive the benefits. It also contains the benefit year ending date. Your weekly benefit amount is determined by the two quarters with highest earnings reported during the base period. Your total wages earned and reported during the base period determine the maximum benefit amount. Once you establish a claim that reflects all earnings in covered employment during your base period, the amount you qualify for remains the same for one year and is available to you until your maximum benefit amount or your benefit year is exhausted, whichever comes first.

Q: What if my wages are correct but insufficient to qualify?

A: When you receive your monetary determination, review it carefully to see if it:

1. Omits an employer for whom you worked during the base period;
2. Omits some of the wages you earned during the base period;
3. Lists any employers for whom you did not work during the base period;
4. Lists any earnings amount incorrectly.

If a correction is necessary, request a redetermination from the VEC call center. If an employer or wages are incorrect or omitted, you must provide the name and address and some evidence of your earnings such as W-2 forms or pay check stubs. Once these wages have been validated, your weekly benefit amount will be adjusted to reflect the correct wages and you will be issued a payment to cover any amount due for the weeks of benefits that have paid.

Q: May I use wages earned in other states to establish a claim?

A: Yes. Wages earned in other states can be used to establish a claim in one of two ways.

1. You file a claim against the other state if you have earned enough wages in that state to qualify for benefits. This is known as an Interstate Claim; or,
2. You request that the wages earned in other states be transferred to Virginia and “combined” to qualify for benefits. Be sure to tell the VEC representative if you have worked in another state.

Only those out-of-state earnings that have not been used on a prior claim will transfer to Virginia. Wages earned overseas also may be used if you worked for a U.S. company. The state where the company is headquartered is the state to which the wages are reported.

Q: What is a “double-dip” claim?

A: If you drew benefits during a prior benefit year and have not worked as many as 30 days or 240 hours for one employer since the beginning of that year, you may monetarily qualify for a new benefit year, but you will not be eligible to draw those benefits until you have 30 days or 240 hours of employment and are subsequently unemployed through no fault of your own.

Separation Qualification

Even though you may have enough earnings to qualify, there are circumstances that may prevent you from receiving unemployment benefits. If you are unemployed for any reason other than lack of work, it is necessary to gather the facts concerning your separation from employment.

Q: How are these facts gathered?

A: You give your reason for being unemployed when you file your application for benefits. This information along with a questionnaire is sent to your former employer for completion. It will be necessary for a deputy, sometimes referred to as a hearing officer, to talk with you about your separation

from work. You and your employer will be scheduled for a telephonic interview. You have the right to know and comment on any information provided by your employer. The deputy will make a decision whether you are qualified to receive benefits based on your separation.

This decision will be included in a Notice of Deputy's Determination that will be sent to you and your employer. You will be disqualified if the deputy finds that you:

1. Quit your job or are on leave of absence without good cause; or
2. Were fired or suspended from your job for misconduct in connection with your work.

Q: What if I disagree with the Notice of Deputy's Determination?

A: If you disagree with the determination, you may appeal it. Your employer also has the right to appeal. For additional information on the appeal process, refer to the section in this handbook concerning Appeals.

If you decide to appeal the determination, while your appeal is pending, it is very important that you continue to look for work, report those contacts when you file your weekly request for payment of benefits, and file your requests for payment on time. If you do not file your weekly requests for payment while an appeal is pending, you may be ineligible for benefits for those weeks if the deputy's determination is overturned.

Weekly Eligibility

Each week you claim benefits, you must be able to perform work, be available for work while placing no undue restrictions on your availability, and be actively seeking work. In addition, you must accept all offers of suitable work, be registered for work with the Virginia Workforce Connection (VWC) accept any VEC referrals to work, report to the VEC when directed to do so, and report your income from any source.

Q: What is an active search for work?

A: An active search for work means that you personally visit several employers each week in your efforts to find work. You must be able to provide the VEC, when requested, with information about each employer or company you visit (job contact).

Unless you are instructed otherwise, several in-person job contacts each week are required. You must conduct an active work search and report job contacts even when you work part-time and earn less than your weekly benefit amount.

Checking newspaper want ads and making telephone calls to employers are not acceptable. Additionally, because the Virginia Unemployment Compensation Act requires that claimants provide the name of employers contacted for work, blind ads are not acceptable.

Certain occupations require the use of résumés as the usual and customary means of soliciting work. If you have one of these occupations, faxing, mailing, and E-mailing résumés to prospective employers will be acceptable in lieu of personally contacting employers.

If you are a member of a union that has a local hiring hall, please inform the VEC representative who takes your application for benefits. Your work search requirements will be explained to you at the time you apply for benefits.

As the length of unemployment increases, you are expected to expand your methods of seeking work. You also should be willing to include other occupations for which you are qualified as a result of prior training or experience.

If you do not make any, or only one, job contact during your weekly work search, you may be denied benefits. It is strongly recommended that you keep a personal written record of your work search job contacts to assist you if the need arises or you are asked by the VEC to provide the job contact information for work search verification.

Q: Is anybody going to check or verify my work search?

A: All job contacts are subject to verification. If your information concerning any job contact is false, you can be disqualified from receiving benefits for at least one year or longer if the benefits are not repaid in full.

Q: What if the VEC refers me to a job?

A: Periodically the VEC may refer you to a job. If you are referred by the VEC, you must visit the employer to whom you are referred. You may count the job referral as one of your required work search job contacts for the week if you visit the employer to whom you were referred.

Q: What happens if I refuse a job offer or VEC referral?

A: If you refuse a job offer, you will be contacted by the VEC to provide additional information. The VEC then will determine if the work was suitable, and if so whether you had good cause to refuse the job offer. If the job was suitable and you did not have good cause to refuse it, you may be disqualified from receiving benefits beginning with the Sunday of the week in which such refusal occurred.

If you fail, without good cause, to apply for suitable work when referred by the VEC, you may be disqualified starting with the Sunday of the week in which refusal occurred. The VEC determines whether the referral was to suitable work.

Q: What is suitable work?

A: Many factors are taken into consideration in determining whether work is suitable, such as your previous work experience, physical and mental fitness, risk to your health, safety, or morals, and the distance from your home to the job site. You must report all job offers that you decline when you file your weekly request for payment of benefits.

Q: How much can I earn and still receive benefits?

A: If the gross, not net, wages you earned are less than your weekly benefit amount, you may receive unemployment benefits. However, the amount of gross wages that is over \$50 will be deducted from your weekly benefit amount. If your weekly gross earnings are equal to or more than your weekly benefit amount, you will not be paid any unemployment benefits for that week.

Q: What if I receive severance pay, vacation pay, sickness and accident benefits, or holiday pay?

A: Severance, vacation, sickness and accident benefits, or holiday pay that you receive may be deducted from your weekly benefit amount in the same manner as actual earnings in any week for which it is payable. You will be notified if these benefits or pay affect your weekly benefit amount.

Q: What if I receive a pension, retirement, social security, etc.?

A: Your benefits may be reduced by the weekly amount of any pension, retirement, Social Security, etc. that you receive from your most recent employer of 30 days or 240 hours or more or from any employer in the base period of your claim. You will be asked to provide the amount and source of any pension when you apply for benefits. Failure to report any changes in your pension, such as cost of living increases or the start of Social Security benefits, on your weekly request for payment of benefits may result in an overpayment of benefits that you would be liable to repay.

Individuals receiving a Social Security pension will have only 50 percent of the weekly Social Security pension amount deducted from their UI weekly benefit amount. For example, a claimant

receiving \$200 a week in Social Security pension will have \$100 deducted from his UI weekly benefit amount.

Q: What if I attend school or a training program?

A: Make sure you report any classes you are taking during weeks claimed. You may receive benefits while attending school depending upon the course of study and the required attendance each week. If you wish to attend school or a training program to improve your employment possibilities, you need to request approval in advance from the VEC. The VEC determines if your training is approved and will advise you of your work search requirements while you are in school or training.

Q: What if there is a question about my weekly eligibility?

A: You will be notified to call the VEC for an interview. If you are held ineligible for benefits you will receive a Notice of Deputy's Determination explaining why. If you disagree with the determination, you must file an appeal by the date shown on the notice. Refer to the section entitled Appeal Rights – Filing an Appeal (pages 17 -18) in this handbook. It is very important that you continue to look for work, to report those contacts when filing your weekly request(s) for payment of benefits, and to file your weekly requests for payment on time while the appeal is pending. Failure to do so may result in a denial of benefits.

Q: If I receive a letter or telephone call to call or report to the VEC, what should I do?

A: Call or report when you are scheduled to do so. If you do not, you may not be paid unemployment benefits for the week you are scheduled to call or report. If you cannot call or report for any reason, call ahead of the scheduled time to explain the circumstances.

PERSONAL IDENTIFICATION NUMBER (PIN)

A few days after you apply for benefits, you will be mailed a notice containing a six-digit personal identification number (PIN). This number is important; it along with your Social Security number will be required every time you call the VEC call center for information about your claim, and every time you use the Voice Response System or the Internet to file your weekly request for payment of benefits. Please safeguard your PIN and do not give it to anyone. If you lose or forget your PIN, or believe someone else is using it, contact the VEC call center immediately.

FILING FOR AND RECEIVING WEEKLY BENEFITS

Unemployment benefits are claimed on a calendar week basis beginning on Sunday and ending at midnight on the following Saturday. In order to receive unemployment benefits, you must meet the following requirements during each week claimed (your meeting these requirements is subject to verification).

1. Be unemployed. You are unemployed if you are not working and are not earning any money. You also are considered unemployed during any week that you work less than full time and earn less than your weekly benefit amount. You are considered partially unemployed during any week that you work for your regular employer and earn less than your weekly benefit amount if your hours were reduced because of a lack of work.
2. File your claim for benefits on the VEC web site (<http://www.VaEmploy.Com>) or over the telephone with the VEC call center. You also must call the VEC as directed regarding your claim.
3. Report all work (including self-employment) and money as it is earned (not when it is paid to you) from any source for the week you claim benefits. Earnings include vacation, severance, and holiday pay. Report the total amount of the gross earnings/wages before taxes and other employer deductions are made. Do not report net earnings/wages. Do not report the receipt of Virginia unemployment

benefits. Report your reason for separation from any employer, even if it is temporary employment. If your work is continuing, report this as well.

4. Be able to work and available for work with no undue restrictions on your availability for work.

5. Register for work through the VEC Workforce Connection website at <http://www.vawc.virginia.gov/www.VAWC.Virginia.gov>, or in person at any VEC workforce center. Unless advised otherwise, you must register *within 5 days* of filing your application for benefits. If you do not register, you could be ineligible to receive unemployment benefits.

6. Make an active search for work each week. Unless you customarily obtain work through a labor union of which you are a member in good standing, you must personally apply for work with several prospective employers each week. Résumés may be used only if it is the usual and customary manner of finding work in your occupation.

You must provide the full name of each employer you contact when filing your weekly request for payment of benefits.

Additionally, because your work search is subject to verification, you must maintain a record of your work search contacts as follows:

- Month, day, and year you contacted the employer/company;
- Complete name of the employer or company contacted;
- Complete mailing address of the employer or company contacted, including the street, P.O. box number, state, and zip code or email address;
- First and last name and title of the individual for the employer or company with whom you talked;
- Telephone number of the employer or company;
- Type of work or position for which you applied; and
- Results of the contact.

Since the Virginia Unemployment Compensation Act requires that claimants provide the name of the employers contacted for work, blind ads cannot be accepted. Telephonic work search contacts also are not acceptable job contacts.

7. Report any refusal of job offers.

8. File your weekly request for payment of benefits in a timely manner. See Filing Your Weekly Request for Payment of Benefits, and the Voice Response System instructions.

FILING YOUR WEEKLY REQUEST FOR PAYMENT OF BENEFITS

You will file your weekly request for payment of benefits over the Internet at www.VaEmploy.com or telephonically using the Voice Response System (VRS) at 1-800-897-5630. You will be given or mailed instructions on how to use the VRS when you apply for benefits. Follow the instructions very carefully. The instructions below apply to both Internet weekly requests for payment and VRS weekly requests for payment.

File your weekly request for payment of benefits correctly and accurately, as soon as the week has passed. You will not be paid benefits, even if you are qualified and eligible to receive them, if you fail to file your weekly request for payment.

Your first weekly request for payment of benefits must be filed with the VEC after the week in which you file your application for benefits ends, but no later than 28 days after the date you filed your application. For example, if you filed your application for benefits on June 1, the VEC must receive your first weekly request for payment no later than June 29.

Note: If the 28-day period for timely filing of your first weekly request for payment ends on a date the VEC is closed, the last day for timely reporting is extended to the next day the VEC is open for business.

Subsequent weekly requests for payment must be filed when the claim week ends. In order to be filed in a timely manner, each weekly request for payment must be filed no later than 28 days from the Friday of the prior week claimed. For example, if the last weekly request for payment was the week ending Saturday, June 18, we must receive your next weekly request for payment by Monday, July 18. (The 28th day falls on Saturday when the VEC is closed, and the deadline is extended to the next business day.)

You will file your weekly requests for payment of benefits until you report that you have returned to work, your benefits have run out, or your benefit year ends, unless you fail to file your weekly request within 28 days of the prior claim week's Saturday. If you fail to file your weekly request on time, the claim series is broken and you will not be able to file your weekly request. You must call the VEC call center.

You will lose benefit eligibility for all weeks between the last week filed in a timely manner and the week you call to restart your claim series unless you can show that you had good cause for late filing.

Q: Is there a waiting period before I can receive benefits?

A: Yes, you must serve a one-week waiting period in each benefit year. You must file a weekly request for payment of benefits and meet all the eligibility requirements to receive benefits before you get credit for serving a waiting period. You will not be paid benefits for the one-week waiting period.

Q: What happens if I file my weekly request for payment late or early?

A: If you attempt to file your weekly request for payment after 28 days, you will be advised by the VRS or the Internet system to call 1-800-897-5630. The VRS and Internet system will not offer you a week for which to file a payment request. If you attempt to file a request for payment before the week has ended, you will not be offered the week by the VRS or the Internet.

Q: What if I change my address?

A: Notify either the VEC call center immediately by telephone. You will be asked for your Social Security number and the last 4-digits of your PIN. You also may notify us by letter. If you notify us by letter, include your Social Security number. If there is an appeal pending, you should give notice of an address change even if you are not receiving benefits when the change occurs. Even if you are no longer claiming benefits, you should notify the VEC of address changes so we can send your 1099-G statement (mailed each January) that is required for income tax purposes.

Q: What if I leave the area?

A: If you plan to be away temporarily, there is no need for you to contact the VEC. If you plan to leave permanently, you should call or report to the nearest VEC Workforce Center (or workforce services center if in another state) and register for work in your new area. Be sure to take with you all documents pertaining to your claim. If you move to another state, you need to notify the VEC call center of your change of address immediately.

Q: What if I am sick, injured, or out of town during a claim week?

A: You should indicate that you were not ready, willing and able to work each day during that week when you file your weekly request for payment of benefits.

Q: When can I expect my first payment?

A: You should receive your payment within 14 calendar days after you file your weekly request for payment of benefits. You may not receive your payment on the same day of the week each time you file your request for payment.

Q: What should I do if I don't receive a payment?

A: You should contact the VEC call center. However, you should wait at least 5 days after you file your request for payment before notifying us. Be sure to have your Social Security number and personal identification number (PIN) ready when you make the call. Make a record of your call, noting the date and time of the call, the name of the VEC representative with whom you spoke, and the information you were given. If your request for payment was not processed, you will have to refile the request for payment. You should keep a record of your work search contacts in case you need to refile the request.

Q: What should I do if the Voice Response System or Internet will not allow me to file a request for payment of benefits?

A: Call the VEC call center if you are unable to file your weekly request for payment. You will need to have your Social Security number and PIN available.

Q: If I file my weekly request for payment of benefits over the Internet what questions will I be asked to respond to?

A: The questions are the same as those asked by the VRS.

THE VOICE RESPONSE SYSTEM (VRS) FOR FILING WEEKLY REQUESTS FOR PAYMENT OF BENEFITS AND UNEMPLOYMENT INSURANCE INFORMATION



File your weekly request for payment of unemployment benefits;



Obtain specific information about your benefit account;



Acquire information about an appeal to which you are a party;



Find the location and phone number of the nearest VEC Workforce Center;



Get general information about unemployment benefit claims.

This service is available only by using a touchtone phone. Cellular phones are not recommended.

Sunday	9:00 am – Midnight
Monday	4:30 am – 7:30 pm
Tuesday	7:30 am – 7:30 pm
Wednesday	7:30 am – 5:30 pm
Thursday	7:30 am – 7:30 pm
Friday	7:30 am – 5:30 pm
Saturday and Holidays	9:30 am – 4:30 pm

BEFORE CALLING TO FILE YOUR WEEKLY REQUEST FOR PAYMENT OF BENEFITS, be sure to have your Social Security number, PIN, and job contact records available. File your weekly request for payment of benefits telephonically using the VRS at: [1-800-897-5630](tel:1-800-897-5630).

To hear instructions in English,

Press **1**

To hear instructions in Spanish,

Press **2**

To reach claims and benefits,

Press **1**

To file your weekly request for payment of benefits,

Press **2**

Enter your Social Security number

Enter your 6-digit PIN

You will be asked to answer the following questions and provide the requested information for the week that you are requesting payment.

Were you able and available to work during the week?

Press **1 Yes 9 No**

Were you actively seeking work as directed by the Commission during the week?

Press **1 Yes 9 No**

Enter the number of contacts you made for work followed by the # key. **For example**, if you made three job contacts,

Enter **3 #**

If you made contacts for work, you may be asked to say the names of the employers you contacted. Speak clearly. **For example**, for 3 contacts, Say

“ABC Company, Food Shopping Warehouse, and Video Electronics”

Did you refuse any work or any offers of work during the week?

Press **1** Yes **9** No

Did you fail to obtain work due to a positive drug test?

Press **1** Yes **9** No

Did you enter or discontinue school or a training program during the week?

Press **1** Yes **9** No

Did you begin receiving or change the amount of any type of pension (including disability pensions) during the week?

Press **1** Yes **9** No

Did you receive holiday, vacation, or Worker's Compensation during the week?

Press **1** Yes **9** No

Did you begin receiving or change the amount of any severance pay during the week?

Press **1** Yes **9** No

Did you do any work (including self-employment) during the week?

Press **1** Yes **9** No

If your response is **1 Yes**, you will be asked to enter the amount you earned before deductions were made in dollars and cents, followed by the # key. You must enter cents, even if zeros. **For example**, to report earnings of \$135.00,

Enter **1 3 5 0 0 #**

During the week, did you return to full-time employment?

Press **1** Yes **9** No

If your response is **1 Yes**, then you will be asked to enter the date you started working. **For example**, if you returned to work on July 1, 2008,

Enter **0 7 0 1 2 0 0 8**

After you answer all questions, you will be told if your request for payment can be processed. If an answer to any of the questions results in an issue, no payment will be made until the issue is resolved. You will be contacted in the near future concerning the issue by the VEC.

Important: Stay on the line until the VRS tells you it is okay to hang up.

If you have any problems or questions, please contact the VEC call center or office.



If you wish to obtain specific benefit account information,

Press **1**

Enter your Social Security number

Enter your 6-digit PIN



For details about an appeal to which you are a party,
Press **3**

Enter your Social Security number

Enter the Appeal Docket Number (found on your Notice of Appeal)



To locate the nearest VEC Workforce Center,

Press **4**

Enter your 5-digit Zip Code.



For general information about unemployment benefits,

Press **5**

Q: What if I return to full-time work?

A: Report your return to work when you file your weekly request for payment of benefits for the week in which you returned to work. Report the date you started work, and any earnings before deductions for the week you started. Be sure to let us know your earnings, even if your employer does not pay you right away, or you may receive benefits that you will have to repay.

You may be eligible for reduced benefits the first week you return to work depending on how much you earn. If you report a return to work date when you file your weekly request for payment and for some reason you do not start work, you must contact the VEC call center for further instruction. If you do return to work for an employer and become unemployed again, contact the VEC immediately upon separation to renew or reopen your claim for benefits.

Q: Suppose I decide not to claim benefits after I filed my application for benefits?

A: If you wish to cancel your claim and not file weekly requests for payment of benefits, your cancellation request must be made in writing within 30 days of the date your application was filed. The final date for cancellation is the same as the final date for appeal on your monetary determination. **Note:** your claim cannot be cancelled if you have been paid any benefits.

Q: How can I get information about the status of my claim or my weekly request for payment of benefits?

A: You may call the Voice Response System at 1-800-897-5630 and select the menu item to obtain specific benefit account information. You may contact the VEC call center after providing your Social Security number and PIN, obtain information about your benefits.

REEMPLOYMENT ASSISTANCE

In order to comply with federal law, the VEC will review your claim for benefits to determine if you may need special reemployment assistance to make a successful transition to new employment. If you meet the federally mandated criteria, you will be referred to reemployment services, such as job search assistance. If you are referred, you will be required to attend as a condition of eligibility to receive weekly benefits. If you either refuse to attend or do not attend without justifiable cause, you may be denied benefits.

Q: What types of reemployment services are offered?

A: Reemployment services may include the following: an orientation session advising you of the availability and benefit of reemployment services; an individual assessment of your needs with which an individually tailored reemployment services plan can be developed; and job search assistance such as counseling, testing, occupational and labor market information, job search workshops, job clubs, referrals to employers, and other similar services.

Q: What if I am referred for reemployment services and do not attend?

A: When you are notified that you have been selected for reemployment services, the letter will include a statement that failure to participate in such services may result in the denial of benefits. If you do not participate, a deputy's determination will be issued and you will be ineligible to receive unemployment benefits if you do not have justifiable cause, have not completed such services recently, or you are not attending similar services.

SPECIAL INSTRUCTIONS FOR PARTIAL CLAIMANTS

A partially unemployed person is one who, during a calendar week, was employed by a regular employer and had earnings that were less than his weekly benefit amount and who worked less than his normal customary full-time hours because of a lack of full-time work. A person who does not work, but is paid holiday or "show up" pay in a week, is not considered a partially unemployed person. Each person who files for partial benefits must be aware of the following:

1. Your employer will be sent a notice that you have applied for partial benefits and your weekly benefit amount. During any week you earn less than your weekly benefit amount because of a lack of work, your employer is required to give you a Statement of Partial Unemployment, Form VEC-B-31, stating your wages for the week. In order to obtain your partial benefits, you must complete your portion of the form, sign it, and return it to the VEC address contained on the form within 14 days from the date the employer gives it to you.
2. Failure to forward each Statement of Partial Unemployment to the VEC address contained therein may result in a loss of benefits for the week(s) shown on the statement.
3. It is your responsibility to obtain the Statement of Partial Unemployment from your employer. If you are partially unemployed during the week and the employer does not give you a Statement of Partial Unemployment, you must contact the VEC by Friday of that week.
4. You must work all available hours. You must not miss work in order to report on your claim. If you do not work the hours offered to you, you may be held ineligible to receive benefits for that week.
5. You must report all earnings from your regular employer and from any other employers for whom you worked during each week claimed.
6. You must report any offers of employment.

7. Depending on your situation, you may not be required to seek other employment. The VEC representative will advise you of the requirements.

FALSE OR INCORRECT STATEMENTS

Always provide complete information and answer all questions truthfully. Do not make any false statements in order to obtain or increase payment of benefits. If you do, you will be violating the law and may be prosecuted. You will be required to repay any benefits fraudulently obtained. Furthermore, you may be disqualified to receive future unemployment benefits. Please see the section on overpayments.

Q: What if I make a false statement on my claim? What if I make a mistake?

A: If you knowingly make a false statement or misrepresentation or have knowingly failed to disclose a material fact to obtain or increase benefits, you may be subject to a fine and/or imprisonment and be prevented from receiving future benefits for 52 weeks. In addition, you will be required to repay any benefits that you were not entitled to receive. Claims are reviewed periodically to make sure benefits were properly paid. If you make a mistake when filing your weekly request for payment of benefits, you should notify the VEC call center as soon as possible to correct the error.

OVERPAYMENT OF BENEFITS

If you receive benefits to which you are not entitled, you will be required to repay them, along with any costs, fees, and interest associated with collection.

Q: What is an overpayment?

A: An overpayment means unemployment benefits paid to and received by you to which you were not entitled. This includes amounts paid while an appeal by your former employer is pending prior to a decision being rendered against you, and amounts paid because you did not notify us of information that would have reduced or eliminated your benefit payment. You also are required to repay any benefits that are paid to you in error.

Q: How do I repay an overpayment?

A: Repayment must be made in full. If you are unable to repay the full amount in one payment, you immediately must contact the Benefit Payment Control Unit, (804) 786-8593, to arrange a repayment installment plan. Repayment of an overpayment may affect the amount of benefits on which you are required to pay taxes. See the Internal Revenue Service for further instructions and information.

Q: What if I fail to repay the overpayment?

A: If the overpayment is not repaid in full before you claim future benefits, a deduction (offset) will be made from those future benefits. The VEC also will use other methods to collect the money owed, including collection agencies, the Credit Bureau, wage garnishment, attachment of bank accounts, seizing of income tax refunds, and levy and sale of personal property. The costs of collection, including administrative costs, attorney's fees, late penalty, and interest can be charged to you.

APPEAL RIGHTS – FILING AN APPEAL

Any time it is determined you are ineligible for or disqualified from receiving benefits, you will receive a written determination. You should read the determination carefully. If you feel the written determination is incorrect, you may file an appeal. The determination provides the instructions for filing an appeal, explains your rights, and states the final date for appeal.

Your former employer may file an appeal after benefits have already been paid to you. If the employer prevails, you may become liable to pay back some or all of those benefits, even if you have

stopped claiming them. Therefore, it is most important that you attend any scheduled appeal hearing and notify the VEC immediately if you have moved, even if you have stopped claiming benefits. Any person needing a language interpreter or any person with a disability who needs a reasonable accommodation should immediately contact the Clerk of the Commission at the telephone number shown on the hearing notice.

If you file your appeal it is very important that you continue to look work and file your weekly requests for payment of benefits on time while the appeal is pending. Failure to do so may result in the denial of benefits.

Q: If I disagree with the deputy's decision or "Notice of Deputy's Determination," how do I file an appeal?

A: You may file by mail to:

The Virginia Employment Commission
Office of First Level Appeals Room 124
P.O. Box 1358,
Richmond, VA 23218-1358.

The appeal also may be filed by FAX to (804) 786-8492 or by using the Internet at www.VaEmploy.com. Be sure to include your Social Security number. You must be sure your appeal is received in the office or postmarked no later than the final date for appeal. Any change of address must be reported immediately to the VEC. Remember, while your appeal is pending, you must continue to search for work and file your weekly requests for payment of benefits in a timely manner. If you are determined eligible, you may be paid benefits for the period your appeal is pending as long as all eligibility requirements have been satisfied during each week.

Q: What happens at an appeal hearing?

A: You and your former employer, if appropriate, will have the opportunity to participate in the hearing, give testimony under oath, and present witnesses and documents to support your case. An attorney may represent you, or someone else authorized to act on your behalf. Any such arrangements for representation are your responsibility. You and your representative have the right to question any witness testifying against you. The appeals examiner records the testimony. The appeals examiner will issue a written decision to all affected parties. If you fail to participate in the hearing or miss a filing deadline because you failed to notify the VEC of an address change, the hearing will not be rescheduled, nor will the filing deadline be extended.

***Note: Written notice to the U.S. Postal Service of your address change
does not constitute notice to the VEC.***

Q: What if I disagree with the Decision of Appeals Examiner?

A: You may file a Commission Appeal. You must file the appeal within the period of time specified on the appeals examiner's decision. Upon receiving the appeal, the VEC will mail you a Notice of Appeal. Unless you request a hearing within 14 days from the date the Notice of Appeal is mailed, the decision of the Commission will normally be based upon the information obtained in the appeals examiner's hearing. If you request a hearing, no new testimony or evidence will be taken unless you can show good cause for not presenting it before the appeals examiner.

Q: What if I disagree with the decision of the Commission's special examiner?

A: To appeal this decision, you must file a petition for judicial review with the Circuit Court of the county or city in which you were last employed in Virginia. Your petition to the Circuit Court must be filed within the time period specified on the Decision of the Commission.

Q: What if I have a question concerning my appeal or the appeals process?

A: If you are uncertain about the appeals procedure, telephone the Clerk of the Commission at the following numbers: for First Level Appeals, call (804) 786-3020; for Commission Appeals, call (804) 786-4140.

YOU NEED TO KNOW

Q: Are my benefits taxable?

A: Benefits you receive are subject to federal income tax. At your request, we will withhold federal tax from your unemployment benefits. You will be mailed a statement, Form 1099-G, of benefits paid to you during the year. It is your responsibility to inform the VEC of any changes in your address and to include unemployment benefits received on your annual tax return and pay any tax due. In Virginia, unemployment benefits are not considered taxable income on your state return. Please refer to instructions found in your Form 760 booklet, or check the Virginia Department of Taxation. Benefits you receive that are determined to be overpaid and are repaid may be deductible. Contact the Internal Revenue Service or your tax advisor.

Q: What is the Eligibility Review Program?

A: This program offers you assistance in searching for work and enables us to make sure you are still meeting the eligibility requirements of the law. When you receive an Eligibility Review Questionnaire, it is important that you complete the form and the Record of Contacts for Employment and report as scheduled to the VEC. Failure to do so may result in the delay or denial of benefits.

Q: What is the Quality Control Program?

A: This program is designed to detect and correct both error and fraud in the Unemployment Insurance Program. It is a review of the records of a sample group of claimants, selected at random each week, to test the accuracy of the payments they received. You will be notified of a telephone interview or mailed a form to complete and return to the VEC if your claim is selected for review. Failure to participate in the interview or complete and return the form may result in the delay or denial of benefits.

COMPLAINTS OTHER THAN DISCRIMINATION

If you have a complaint about the service you receive that cannot be resolved by the VEC call center, you may contact:

The Virginia Employment Commission,
Customer Service Unit Room 100
P.O. Box 1358
Richmond, VA 23218-1358
(804) 786-4359

Hearing impaired persons may call 1-800-828-1120 or 711.

OTHER UNEMPLOYMENT INSURANCE PROGRAMS

The following programs are administered through the VEC. A VEC representative in the call center can provide you with additional information.

DISASTER UNEMPLOYMENT ASSISTANCE (DUA)

This is a special program that provides benefits to workers who are unemployed as the result of a major disaster in their area. A presidential declaration is required before any DUA benefits become payable.

EXTENDED BENEFITS (EB)

Unemployment benefits paid to a claimant after regular benefits have been exhausted. This program is in effect only during periods of prescribed high national or state unemployment levels. You will be notified by the VEC if you are eligible to receive these benefits. The notification will be mailed to the address we have on your official record.

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES (UCFE)

A benefit program for workers who were employed as federal civilian employees during the base period.

UNEMPLOYMENT COMPENSATION FOR EX-SERVICE MEMBERS (UCX)

A benefit program for workers who were members of the United States Armed Forces during the base period.

SPECIAL FEDERAL PROGRAMS

From time to time, the federal government may make special unemployment compensation programs available.

VEC CALL CENTERS AND WORKFORCE CENTERS

The telephone number for the VEC call center is 1-866-832-2363. The locations of VEC Workforce Centers are listed at: http://www.vec.virginia.gov/vecportal/field/field_offices.cfm

JOB SEEKER SERVICES

Services available to job seekers/workers include job referral and placement, referral to training, and job search skill-building activities. The VEC provides a wide variety of self-help, computer-assisted, as well as printed and video career guidance materials to help in your job search. Computers available in each VEC Workforce Center location allow easy access to information about job opportunities, unemployment insurance, Veterans Services, and labor market conditions across Virginia.

Internet access is available through the VEC Home Page, www.VaEmploy.com.

SOME FACTS ABOUT YOUR REGISTRATION WITH THE VEC:

- Your registration information is reviewed for your job experience, education, training, and personal interests.
- A computer file search will match your qualifications with employers' job openings listed with the VEC.
- Selection and referral is based on job requirements.
- You may be contacted by mail or phone to inform you of a job opening.
- Failure to respond to a contact may cause your VEC registration to be inactivated. Be sure to contact the VEC on a regular basis to keep your registration activated.
- Failure to respond to a job referral may affect your claim status if you are receiving unemployment benefits.
- Military veterans may talk with a veteran's employment representative on a first-come, first-served basis. Additional job search workshops may be available.

TO HELP IN YOUR JOB SEARCH:

- **Virginia Workforce Connection** – a powerful new job search tool that can be found on the web at: <https://www.vawc.virginia.gov/>.
- **Virginia Jobs** – A listing of Virginia state government jobs available online at: <https://jobs.agencies.virginia.gov/applicants/jsp/shared/frameset/Frameset.jsp?time=1201200592553>
- **Social Services** – VEC staff can make referrals to other assistance agencies such as the Department of Social Services <http://dssiad.dss.state.va.us/EligibilityScreening/>, veterans' services, etc.
- **Read** – Check out the job listing sections of local, regional, and national newspapers.
- **Network** – Talk with family and friends about your job search.

In addition, the VEC provides the following services to job seekers at each of its offices:

VETERANS' SERVICES

All resources of the VEC are available to assist veterans in job placement/referral, vocational counseling, and case management. The VEC has Disabled Veterans Outreach Program (DVOP) staff and Local Veterans Employment Representatives (LVER) assigned to most of our offices located throughout the state. Additional veterans' information and assistance is available on line at: <http://www.vec.virginia.gov/vecportal/seeker/veteransvcs.cfm>, or by contacting the State Veterans Services Coordinator at (804) 786-5693.

RURAL SERVICES

This program is responsible for processing temporary and seasonal agricultural (H-2A) job orders, prevailing wage and practice determinations for agricultural employment, the employment eligibility verification process for agricultural job referrals and for providing assistance to Farm Labor Contractors and their employees in the registration process. For more information, contact the State Rural Services Manager at (804) 786-8714.

FARM WORKERS

This program serves migrant and seasonal farm workers (MSFW's) who are seeking work. Trained and experienced Farm Placement Specialists provide statewide coverage and are located in the VEC Workforce Centers in Bristol, Charlottesville, Danville, Eastern Shore, Tri-Cities, Roanoke, South Hill, Warsaw, and Winchester.

MONITOR ADVOCATE

Any complaints relating to the provision of job seeker services may be lodged at any VEC Workforce Center or with the State Monitor Advocate, at (804) 786-6094.

VEC WORKFORCE CENTER LOCATIONS

Visit the VEC web site http://www.vec.virginia.gov/vecportal/field/field_offices.cfm for a complete listing of locations, addresses, phone numbers, and hours of operation. Consult your local telephone directory, or dial 1-800-897-5630 and choose the option to obtain the location of the office nearest you.

VEC Administrative Office Location:

703 East Main Street
Richmond, VA 23219
(North 7th Street & East Main Sts.)

Mailing address:
Virginia Employment Commission
P.O. Box 1358
Richmond, VA 23218-1358.

Telephone numbers:
Direct access to the VEC Administrative Offices in Richmond: 804-786-1485

Virginia Relay (Telecommunications Relay Service)
press "711"

Toll free access: 800-828-1120 (TDD) or 800-828-1140 (voice)

IVR: 1-800-897-5630

The Virginia Employment Commission is an equal opportunity employer and program provider. Auxiliary aids and services are available upon request to individuals with disabilities. Any reasonable accommodation for persons with disabilities may be requested by contacting the manager of the VEC Workforce Center location where you are seeking services.

© 1995-2009 Commonwealth of Virginia